

# Notice of Allowability

Application No.

10/701,844

Examiner

Padmavathi v. Baskar

Applicant(s)

JACKSON ET AL.

Art Unit

1645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/23/07.
2. ☒ The allowed claim(s) is/are 29, 31-42, 44-50, 52-58 and have been renumbered as 1-27 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date See Continuation Sheet
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 8/2/07
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

SUSAN UNGAR, PH.D.  
PRIMARY EXAMINER

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 11/22 /06 and 8/1/07 .

Art Unit: 1645

**DETAILED ACTION**

1. Applicant's amendment filed on 5/23/07 is acknowledged.

***Examiner's amendment***

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Elizabeth J. Haanes (see attached interview summary) on 8/2/07. The application has been amended as follows:

Claims 28 and 59 are canceled.

Claim 29. (Currently Amended) An isolated antibody or antigen-binding fragment thereof which specifically binds to ~~a polypeptide consisting essentially of~~ amino acids 29-1012 of SEQ ID NO: 2.

Claim 31. (Currently Amended) The antibody or fragment thereof of claim 29, of which further specifically binds to ~~a polypeptide consisting essentially of~~ amino acids 29-1013 of SEQ ID NO: 15.

Claim 32. (Currently Amended) The antibody or fragment thereof of claim 29, which further specifically binds to ~~a polypeptide consisting essentially of~~ amino acids 29-1013 of SEQ ID NO: 16.

Claim 33. (Currently Amended) The antibody or fragment thereof of claim 29, wherein ~~said polypeptide~~ amino acids 29-1012 of SEQ ID NO: 2 are encoded by SEQ ID NO: 1.

Claim 34. (Currently Amended) The antibody or fragment thereof of claim 29, wherein ~~said polypeptide~~ amino acids 29-1013 of SEQ ID NO: 15 are encoded by SEQ ID NO: 23

Claim 35. (Currently Amended) The antibody or fragment thereof of claim 29 wherein ~~said polypeptide~~ amino acids 29-1013 of SEQ ID NO: 16 are encoded by SEQ ID NO: 24.

Claim 41. (Currently Amended) The antibody ~~or fragment thereof~~ of claim 29, which is selected from the group consisting of ~~an Fv fragment, a single chain Fv fragment (scFv), a F(ab')<sub>2</sub> fragment, and a Fab fragment, a single chain antibody, and a complementarity determining region (CDR).~~

Claim 42. (Currently Amended) The antibody or antigen-binding fragment thereof of claim 29, which further specifically binds to ~~a polypeptide consisting essentially of an~~ the amino acid sequence encoded by the *Chlamydia trachomatis* insert in plasmid pJJ36-J from *E. coli* TOP10 (pJJ36-J).

Claim 49. (Currently Amended) The antibody ~~or fragment thereof~~ of claim 42, which is selected from the group consisting of ~~an Fv fragment, a single chain Fv fragment (scFv), a F(ab')<sub>2</sub> fragment, and a Fab fragment, a single chain antibody, and a complementarity determining region (CDR).~~

Claim 50. (Currently Amended) ~~The~~ isolated antibody or antigen-binding fragment thereof of claim 29, which specifically binds to ~~a polypeptide consisting essentially of an~~

Art Unit: 1645

acid sequence at least 95% identical to the amino acid sequence encoded by the Chlamydia trachomatis insert in plasmid pAH342 from E. cob BL21 (pAH342).

Claim 57. (Currently Amended) The antibody or fragment thereof of claim 50, which is selected from the group consisting of an Fv fragment, a single chain Fv fragment (scFv), a F(ab')<sub>2</sub> fragment, and a Fab fragment, ~~a single chain antibody, and a complementarity determining region (CDR).~~

Claim 58. (Currently Amended) ~~An antiserum comprising~~ The antibody or fragment thereof of claim 29-36, wherein said antiserum is produced by a method comprising (1) administering to an animal a polypeptide consisting essentially of an the amino acids 29-1012 of SEQ ID NO: 2 and (2) recovering the antiserum said antibody from said animal.

3. In view of amendment to the claims, all the rejections of record are withdrawn.

#### Conclusion

4. Claims 29, 31-42, 44-50, 52-58 are allowed and have been renumbered as 1-27 respectively.

5. IDS filed on 11/22 /06 and 8/1/07 are acknowledged and a signed copy each is attached to this action.

6. Claims are drawn to an antibody that binds to amino acids 29-1012 of SEQ.ID.NO:2, said sequence is from Chlamydia trachomatis serovar LGV L2. The antibody also binds to other serovar B and F, represented by SEQ.ID.NO:15 and 16 respectively. The antibody is of use in identifying Chlamydia trachomatis.

7. Papers related to this application may be submitted to Group 1600, AU 1645 by facsimile transmission. Papers should be transmitted via the PTO Fax Center, which receives transmissions 24 hours a day and 7 days a week. The transmission of such papers by facsimile must conform to the notice published in the Official Gazette, 1096 OG 30, November 15, 1989. The Right Fax number is 571-273-8300.

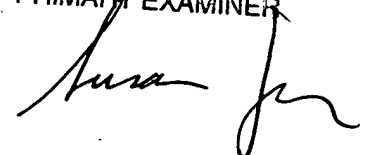
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PMR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Padma Baskar Ph.D., whose telephone number is ((571) 272-0853. A message may be left on the Examiner's voice mail system. The Examiner can normally be reached on Monday to Friday from 6.30 a.m. to 4.00 p.m. except First Friday of each bi-week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew can be reached on (571) 272-0787. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.

  
Padma Baskar Ph.D.

SUSAN UNGAR, PH.D.  
PRIMARY EXAMINER



### CLEAN COPY OF ALLOWED CLAIMS

Claim 29. An isolated antibody or antigen-binding fragment thereof which specifically binds to amino acids 29-1012 of SEQ ID NO: 2.

Claim 31. The antibody or fragment thereof of claim 29, of which further specifically binds to amino acids 29-1013 of SEQ ID NO: 15.

Claim 32. The antibody or fragment thereof of claim 29, which further specifically binds to a amino acids 29-1013 of SEQ ID NO: 16.

Claim 33. The antibody or fragment thereof of claim 29, wherein amino acids 29-1012 of SEQ ID NO: 2 is encoded by SEQ ID NO: 1.

Claim 34. The antibody or fragment thereof of claim 29, wherein amino acids 29-1013 of SEQ ID NO:15 is encoded by SEQ ID NO: 23

Claim 35. The antibody or fragment thereof of claim 29 wherein amino acids 29-1013 of SEQ ID NO: 16 is encoded by SEQ ID NO: 24.

Claim 36. The antibody or fragment thereof of claim 29, which is polyclonal.

Claim 37. The antibody or fragment thereof of claim 29, which is monoclonal.

Claim 38. The antibody or fragment thereof of claim 29, which is humanized.

Claim 39. The antibody or fragment thereof of claim 29, which is chimeric.

Claim 40. The antibody or fragment thereof of claim 29, which is fully human

Claim 42. The antibody or antigen-binding fragment thereof of claim 29, which further specifically binds to the amino acid sequence encoded by the *Chlamydia trachomatis* insert in plasmid pJJ36-J from *E. coli* TOP10 (pJJ36-J).

Claim 44. The antibody or fragment thereof of claim 42, which is polyclonal.

Claim 45. The antibody or fragment thereof of claim 42, which is monoclonal.

Claim 46. The antibody or fragment thereof of claim 42, which is humanized.

Claim 47. The antibody or fragment thereof of claim 42, which is chimeric.

Claim 48. The antibody or fragment thereof of claim 42, which is fully human.

Claim 49. The antibody of claim 42, which is selected from the group consisting of a F(ab')<sub>2</sub> fragment, and a Fab fragment.

Art Unit: 1645

Claim 50. The isolated antibody or antigen-binding fragment thereof of claim 29 ,which specifically binds to the amino acid sequence encoded by the Chlamydia trachomatis insert in plasmid pAH342 from E. coli BL21 (pAH342).

Claim 52. The antibody or fragment thereof of claim 50, which is polyclonal.

Claim 53. The antibody or fragment thereof of claim 50, which is monoclonal.

Claim 54. The antibody or fragment thereof of claim 50, which is humanized.

Claim 55. The antibody or fragment thereof of claim 50, which is chimeric.

Claim 56. The antibody or fragment thereof of claim 50, which is fully human.

Claim 57. The antibody of claim 50, which is selected from the group consisting of a F(ab')<sub>2</sub> fragment and a Fab fragment.

Claim 58. (Currently Amended) The antibody of claim 36 , is produced by a method comprising (1) administering to an animal the amino acids 29-1012 of SEQ ID NO: 2 and (2) recovering said antibody from said animal.